

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

UNITED STATES OF AMERICA,	:	NO. 1:08-CR-00031
	:	
v.	:	
	:	OPINION AND ORDER
LAMONT HOPE.	:	
	:	

This matter is before the Court on Defendant's Amended Motion to Suppress (doc. 40), and the government's Response (doc. 41). The Court held a hearing on this matter on April 14, 2009.

At the hearing, the Court viewed a videotape of the events of December 17, 2007, as well as the documentary and physical evidence proffered by the government relating to Defendant's arrest and statements. The Court further heard the testimony of the arresting officers, Cincinnati Police Officers Herman Hill and Thomas Weigand, as well as that of the Defendant, all of which the Court incorporates into this Order by reference.

Having reviewed this matter, the Court does not find the testimony of the Defendant credible. The totality of the circumstances show that Defendant was in a vehicle on Burton Avenue in Avondale, a high crime area of Cincinnati, late at night. The Court finds credible Officer Herman Hill's testimony that he saw Defendant's vehicle stopped in the middle of the street, and that Officer Hill viewed this as a violation of Ohio Revised Code 4511.22, for impeding traffic. As such, the Court concludes

Offficer Hill had a sufficient basis to stop Defendant, which Hill attempted to do after waiting for Defendant's vehicle to proceed to a safer, better-lighted location. After Hill activated his cruiser's flashing lights, Defendant took off at a high rate of speed, lost control of his vehicle, and fled on foot.

The Court further does not find Defendant's testimony credible with regard to statements he made after his arrest. The Court believes the evidence shows the Officers gave Defendant Miranda warnings, after which he stated he fled from them because he had a gun and "dope."

Under these circumstances, the Court finds the Officers had both reasonable suspicion and probable cause to stop Defendant, and that their actions in pursuing Defendant and arresting Defendant comported with the law. Accordingly, the Court DENIES Defendant's Amended Motion to Suppress (doc. 40) and SETS this matter for trial, to commence May 12, 2009.

SO ORDERED.

Dated: April 14, 2009

/s/ S. Arthur Spiegel
S. Arthur Spiegel
United States Senior District Judge